

TO: Mail Stop 8 Director of the U.S. Patent and Trademark Office P. O. Box 1450 Alexandria, VA 22313-1450	REPORT ON THE FILING OR DETERMINATION OF AN ACTION REGARDING A PATENT OR TRADEMARK
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In Compliance with 35 § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been
filed in the U.S. District Court Eastern District of Louisiana on the following ☒ Patents or ☐ Trademarks:


DOCKET NO. 09-7014 A (3)	DATE FILED 10/22/09	U.S. DISTRICT COURT Eastern District of Louisiana, 500 POYDRAS St., Rm C-151, New Orleans, LA
PLAINTIFF Blunt Wraps U.S.A., Inc.		DEFENDANT High Grade Herbal Inc. Et al
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1 6,321,755	11/27/01	Blunt Wrap U.S.A., Inc.
2 6,357,448	3/19/02	Blunt Wrap U.S.A., Inc.
3 6,526,986	3/4/03	Blunt Wrap U.S.A., Inc..
4 6,742,525	6/1/04	Blunt Wrap U.S.A., Inc.
5 6,854,471	2/15/05	Blunt Wrap U.S.A., Inc.

In the above—entitled case, the following patent(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		
2		
3		
4		
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In the above—entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT

CLERK LORETTA G. WHYTE	(BY) DEPUTY CLERK 	DATE October 22, 2009
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Copy 1—Upon initiation of action, mail this copy to Director Copy 3—Upon termination of action, mail this copy to Director
Copy 2—Upon filing document adding patent(s), mail this copy to Director Copy 4—Case file copy

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF LOUISIANA**

BLUNT WRAP U.S.A., INC. <i>Plaintiff</i>	*	CIVIL ACTION NO.
	*	
	*	SECTION
VERSUS	*	
	*	JUDGE
HIGH GRADE HERBAL INC and NATURAL LEAF INC. <i>Defendants</i>	*	MAGISTRATE
	*	

COMPLAINT

NOW INTO COURT, through undersigned counsel, comes plaintiff Blunt Wrap U.S.A., Inc. (hereinafter "Blunt Wrap U.S.A."), for its Complaint against defendants High Grade Herbal Inc and Natural Leaf Inc. herein, and alleges as follows:

PARTIES

1. Plaintiff, Blunt Wrap U.S.A., is a Louisiana corporation with its principal place of business in Mandeville, Louisiana.
2. Defendant, High Grade Herbal Inc, is a Florida corporation having an office at 5036 Dr. Phillips Blvd., Suite 166, Orlando, FL 32819, according to the Florida Secretary of State.

3. Defendant, Natural Leaf Inc., is a Florida corporation having an office at 1861 N. Federal Hwy, Unit 218, Hollywood, FL 33020, according to the Florida Secretary of State.

JURISDICTION

4. This is an action for patent infringement of United States Letters Patent Nos. 6,321,755 (the "'755 patent"), 6,357,448 (the "'448 patent"), 6,526,986 (the "'986 patent"), 6,742,525 (the "'525 patent"), and 6,854,471 (the "'471 patent"), brought under the provisions of the United States Patent Laws, Title 35 United States Code. Jurisdiction of this Court is based upon the Patent Laws of the United States, Title 35 United States Code, and 28 United States Code §§ 1338(a) and 1400(b).

VENUE

5. Venue lies in this District under 28 United States Code § 1391 (b), (c), or (d).

PATENT INFRINGEMENT

6. Blunt Wrap U.S.A. repeats and realleges each and every allegation contained in paragraphs one through five of this Complaint as if set forth in full herein.

7. The following patents were duly and legally issued to Daniel S. Sinclair, Jr. on the dates referenced below, and each of these patents has been assigned to Plaintiff, Blunt Wrap U.S.A.:

(a) the '755 patent, duly and legally issued on November 27, 2001, and a copy of which is annexed hereto as Exhibit "A";

(b) the '448 patent, duly and legally issued on March 19, 2002, and a copy of which is annexed hereto as Exhibit "B";

(c) the '986 patent, duly and legally issued on March 4, 2003, and a copy of which is annexed hereto as Exhibit "C";

(d) the '525 patent, duly and legally issued on June 1, 2004, and a copy of which is annexed hereto as Exhibit "D"; and

(e) the '471 patent, duly and legally issued on February 15, 2005, and a copy of which is annexed hereto as Exhibit "E".

The foregoing five (5) patents are referred to sometimes hereinafter as the "Patents in Suit."

8. On information and belief, in the United States and in this Judicial District, Defendants have been, and are, infringing—directly, contributorily, and/or by inducement—one or more claims of each of the Patents in Suit by making, using, selling, offering to sell, and/or importing into the United States, as well as Defendants' inducement of and contribution to the making, using, selling, offering to sell, and/or importing into the United States, of cigar tubes for holding an end user's tobacco fill material which infringe one or more claims of each of the Patents in Suit. Product exemplars of the infringing products are attached hereto as Exhibit "F".

9. By infringing—directly, contributorily, and by inducement—one or more claims of each of the Patents in Suit, Defendants have unfairly reaped a substantial commercial and competitive advantage and savings in research, development, costs, and marketability, all to Plaintiff's detriment.

10. Defendants' activities with respect to its infringing cigar tubes for holding an end user's tobacco fill material constitute willful infringement of one or more claims of each of the Patents in Suit.

11. Plaintiff has been, and will continue to be, damaged by such direct, contributory, and induced infringement in an amount to be proven at trial and in a manner and amount that cannot be fully measured or compensated in economic terms and for which there is no adequate remedy at law.

The actions of Defendants have damaged, and will continue to damage, Plaintiff's business, market, reputation, and goodwill. Such irreparable damage will continue unless the acts of Defendants are enjoined during the pendency of this action and thereafter. Plaintiff is, therefore, entitled to the remedies provided by 35 U.S.C. §§ 283-285.

WHEREFORE, plaintiff, Blunt Wrap U.S.A., Inc., prays that this Court enter a judgment that:

- A. Plaintiff's U.S. Letters Patent 6,321,755, 6,357,448, 6,526,986, 6,742,525, and 6,854,471, have been infringed by the accused products of Defendants;
- B. Issues preliminary and final injunctions under 35 United States Code § 283 against any and all acts and conduct of Defendants that constitute infringement of said Patents in Suit;
- C. Awards Plaintiff damages under 35 United States Code § 284, adequate to fully compensate for Defendants' past and continuing acts and conduct of infringement, including Plaintiff's lost profits, and in any event no lower than a reasonable royalty, to be determined under the appropriate market conditions which would have existed absent Defendants' unlawful infringement, together with interest and costs as are to be determined by the Court; and
- D. Any other awards or relief for Plaintiff that this Court may deem just and proper, whether legal or equitable.

Respectfully submitted,

/s/ Randall A. Smith

RANDALL A. SMITH, T.A. (#2117)

Of

SMITH & FAWER, L.L.C.

201 St. Charles Avenue, Suite 3702

New Orleans, Louisiana 70170

Telephone: (504) 525-2200

Telecopy: (504) 525-2205

-AND-

BRETT A. NORTH (#22503)

VANESSA M. D'SOUZA (#31708)

Of

GARVEY, SMITH, NEHRBASS & NORTH, L.L.C.

Three Lakeway Center, Suite 3290

3838 North Causeway Boulevard

Metairie, Louisiana 70002

Telephone: (504) 835-2000

Telecopy: (504) 835-2070

Counsel for Plaintiff